

Federal Communications Commission

DA-02-3022

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Before the
Federal **Communications** Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Miami, Florida)

MM Docket No. 00-125
RM-9908

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 7, 2002

Released: November 15,2002

By the Chief, Video Division:

1. At the request of NBC Stations Management, Inc. (“NBC”), licensee of station WTVJ(TV), Miami, Florida, the Commission has before it the Notice of Proposed Rule Making, 15 FCC Rcd 12648 (2000), proposing the substitution of DTV channel 31 for station WTVJ(TV)’s assigned DTV channel 30. James J. Chladek (“Chladek”) and Paxson Communications License Company, LLC (“Paxson”) filed comments. NBC and Chladek² filed reply comments.

2. In reply comments, NBC states that adoption of its proposal will result in an overall reduction in interference to stations WFLX, channel 29, West Palm Beach, and WGCU, channel 30, Fort Myers, Florida. We believe the public interest would be served by substituting DTV channel 31 for DTV channel 30 at Miami, since it will enable station WTVJ-DT to reduce interference and employ a different site closer to Miami. DTV channel 31 can be allotted to Miami, Florida, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 25-58-07 N. and 80-13-20 W. In addition, we find that this channel is acceptable under the 2 percent criterion for *de minimis* impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2) for Station WTVJ-DT with the following specifications:

<u>State & City</u>	DTV <u>Channel</u>	DTV power <u>(kW)</u>	Antenna <u>HAAT (m)</u>	DTV Service <u>Pop. (thous.)</u>
FL Miami	31	1000	318	3995

¹ Paxson filed a mutually exclusive petition seeking to substitute channel 31 as the allotment for station WPXM-DT at Miami. However, Paxson and NBC entered into a settlement agreement that upon grant would remove the mutual exclusivity of the Paxson and NBC's petitions. The Join Request for Approval of Global Settlement filed by Paxson and NBC was granted October 24, 2002.

² Initially, Chladek filed comments stating that NBC's proposal was defective because it failed to provide interference protection to Class A station of WPMF-LP. Subsequently, Chladek withdrew his objections, noting that NBC had demonstrated, in its reply comments, that the grant of its proposal could benefit Chladek by creating the possibility for station WPMF-LP to operate on channel 30.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, **as** amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, **IT IS ORDERED**, That effective December 30, 2002, the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, **IS AMENDED**, with respect to the community listed below, to read **as** follows:

<u>City</u>	<u>Channel No.</u>
Miami, Florida	8c, 9, *18c, 19,*20, 22, 24c, 26, 31, 32, 46c

4. **IT IS FURTHER ORDERED**, That within 45 days of the effective date of this Order, NBC Stations Management, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV Channel 31 in lieu of DTV Channel 30 for station WTVJ-DT.

5. **IT IS FURTHER ORDERED**, That this proceeding **IS TERMINATED**.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202)418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau